

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SPORTBOX, LLC.

Plaintiff,

v.

**XM SATELLITE RADIO INC., and
MAJOR LEAGUE BASEBALL**

Defendants.

CIVIL ACTION No: 04-cv-12734-NMG

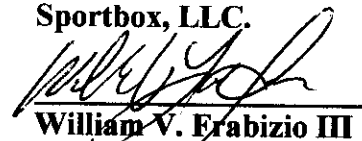
VOLUNTARY DISMISSAL

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Fed R. Civ. P. 41(a)(1)(i) Sportbox, LLC. ("Plaintiff") by filing a Notice of Dismissal any time before service by the adverse party of an answer or of a motion for summary judgment Plaintiffs hereby Notify the Court of our VOLUNTARY DISMISSAL, WITH PREJUDICE, of the Complaint to the above entitled action, stipulating that the two parties entailed herein have settled the matter without order of the Court.

Respectfully submitted Thursday, February 03, 2005

Sportbox, LLC.

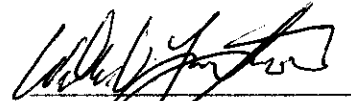


**William V. Frabizio III
Sportbox, LLC.
107 Bridge Street
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(617) 916-1862**

Certificate of Service

The undersigned hereby certifies that on February 3, 2005 I caused a true copy of the foregoing Plaintiffs' **VOLUNTARY DISMISSAL WITH PREJUDICE** to be served by Federal Express (Tracking Number **792198338964**) on counsel for all parties so represented:

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